



असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 60] नई दिल्ली, शक्रवार, नवम्बर 5, 1982/कर्तिक 14, 1904
No. 60] NEW DELHI, FRIDAY, NOVEMBER 5, 1982/KARTIKA 14, 1904

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 5th
November, 1982:—

BILL No. XLI OF 1982

A Bill to amend the Copyright Act, 1957.

BE it enacted by Parliament in the Thirty-third Year of the Republic
of India as follows:—

1. (1) This Act may be called the Copyright (Amendment) Act,
1982.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government
may, by notification in the Official Gazette, appoint.

14 of 1957. 2. Throughout the Copyright Act, 1957 (hereinafter referred to as the
principal Act), unless otherwise expressly provided, for the word "radio-
diffusion", wherever it occurs, the word "broadcast" shall be substituted.

Substitu-
tion of
expres-
sion
"radio-
diffusion"
by expres-
sion "broad-
cast".

3. In section 2 of the principal Act,—

Amend-
ment of
section 2.

(a) after clause (d), the following clause shall be inserted, namely:—

‘(dd) “broadcast” means communication to the public—

(i) by any means of wireless diffusion, whether in any one or more of the forms of signs, sounds or visual images; or

(ii) by wire,

and includes a re-broadcast;’;

(b) after clause (f), the following clause shall be inserted, namely:—

‘(ff) “communication to the public” means communication to the public in whatever manner, including communication through satellite;’;

(c) for clause (l), the following clause shall be substituted, namely:—

‘(l) “Indian work” means a literary, dramatic or musical work,—

(i) the author of which is a citizen of India; or

(ii) which is first published in India; or

(iii) the author of which, in the case of an unpublished work, is, at the time of the making of the work, a citizen of India;’;

(d) clause (v) shall be omitted.

Amend-
ment of
section 3.

4. In section 3 of the principal Act, in clause (a), for the words “work to the public in sufficient quantities”, the words “work, either in whole or in part, to the public in a manner sufficient to satisfy the reasonable requirements of the public having regard to the nature of the work” shall be substituted.

Amend-
ment of
section 6.

5. In section 6 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

“(a) whether for the purposes of section 3, copies of any,—

(i) literary, dramatic, musical or artistic work are issued to the public in a manner sufficient to satisfy the reasonable requirements of the public; or

(ii) records are issued to the public in sufficient quantities; or”.

Amend-
ment of
section
12.

6. In section 12 of the principal Act, in sub-section (7), for the words and figures “sections 480 and 482 of the Code of Criminal Procedure, 1898”, the words and figures “sections 345 and 346 of the Code of Criminal Procedure, 1973” shall be substituted.

5 of 1898.

2 of 1974.

Amend-
ment of
section
15.

7. In section 15 of the principal Act, the words “Indian Patents and”, at both the places where they occur, shall be omitted.

Amend-
ment of
section
17.

8. In section 17 of the principal Act,—

(a) after clause (c), the following clause shall be inserted, namely:—

“(cc) in the case of any address or speech delivered in public, the person who has delivered such address or speech or if such person has delivered such address or speech on behalf

of any other person, such other person shall be the first owner of the copyright therein notwithstanding that such person is employed by any other person who arranges such address or speech or on whose behalf or premises such address or speech is delivered;";

(b) after clause (d), the following clause and *Explanation* shall be inserted, namely:—

‘(dd) in the case of a work made or first published by or under the direction or control of any body corporate, such body corporate shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.

Explanation.—For the purposes of this clause and section 28A, “body corporate” includes a firm or other association of persons.’

9. Section 19 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of section 19.

“(2) The assignment of the copyright in any work shall, among other things, indicate clearly the rights proposed to be assigned and the size of the work.”.

10. After section 19 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 19A.

“19A. Where any dispute arises with respect to the assignment of, or any of the terms of the assignment of, any copyright, the Copyright Board may, on receipt of a complaint from any of the parties to the dispute and after holding such inquiry as it may deem necessary, pass such orders as it may deem fit, including orders by way of giving permission to the owner of the copyright to revoke its assignment if the terms of the assignment are harsh to him or if the publisher unduly delays the publication of the work or by way of issue of a certificate for the recovery of any royalty due to the owner.”.

Disputes with respect to assignment of copyright.

11. After section 28 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 28A.

“28A. In the case of a work, where a body corporate is the first owner of the copyright therein, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.”.

Term of copyright in works of body corporate.

12. After section 31 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 31A.

“31A. (1) Where, in the case of an unpublished work, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Copyright Board for a licence to publish such work or a translation thereof in any language.

Compulsory licence in unpublished works

(2) Before making an application under sub-section (1), the applicant shall publish his proposal in one issue of a daily news-

paper in the English language having circulation in the major part of the country and where the application is for the publication of a translation in any language, also in one issue of any daily newspaper in that language.

(3) Every such application shall be made in such form as may be prescribed and shall be accompanied with a copy of the advertisement issued under sub-section (2) and such fee as may be prescribed.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed direct the Registrar of Copyrights to grant to the applicant a licence to publish the work or a translation thereof in the language mentioned in the application subject to the payment of such royalty and subject to such other terms and conditions as the Copyright Board may determine, and thereupon the Registrar of Copyrights shall grant the licence to the applicant in accordance with the direction of the Copyright Board.

(5) Where a licence is granted under this section, the Registrar of Copyrights may, by order, direct the applicant to deposit the amount of the royalty determined by the Copyright Board in the public account of India or in any other account specified by the Copyright Board so as to enable the owner of the copyright or, as the case may be, his heirs, executors or the legal representatives to claim such royalty at any time.

(6) Without prejudice to the foregoing provisions of this section, in the case of an unpublished Indian work, if the original author is dead, the Copyright Board may, if it considers that the publication of the work is desirable in the national interest, require the heirs, executors or legal representatives of the author to publish such work within such period as may be specified by it.

(7) Where any work is not published within the period specified by the Copyright Board under sub-section (6), it may, on an application made by any person for permission to publish the work and after hearing the parties concerned permit such publication on payment of such royalty as the Copyright Board may, in the circumstances of such case, determine in the prescribed manner."

13 In section 32 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "in any language", the words "after a period of seven years from the first publication of the work" shall be inserted;

(ii) the following provisos shall be inserted at the end, namely:—

"Provided that where the translation of any such work which is not an Indian work is required for the purposes of teaching, scholarship or research, such application may be made after a period of three years from such publication;

Provided further that where the translation referred to in the preceding proviso is in a language not in general use in any developed country, such application may be made after a period of one year from such publication.";

Amend-
ment of
section
32.

(b) in sub-section (4),—

(i) in the opening paragraph, for the portion beginning with the words “the application, on condition that the applicant” and ending with the words “in the prescribed manner:”, the following shall be substituted, namely:—

“the application—

(i) subject to the condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the Copyright Board may, in the circumstances of each case, determine in the prescribed manner; and

(ii) where such licence is granted on an application under either of the provisos to sub-section (1), subject also to the condition that the licence shall not extend to the export of copies of the translation of the work outside India and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in India:

Provided that nothing in clause (ii) shall apply to the export by Government or any authority under the Government of copies of such translation in a language other than English, French or Spanish to any country if—

(1) such copies are sent to citizens of India residing outside India or to any association of such citizens outside India; or

(2) such copies are meant to be used for purposes of teaching, scholarship or research and not for any commercial purpose; and

(3) in either case, the permission for such export has been given by the Government of that country:”;

(ii) in the proviso,—

(1) for the words “Provided that”, the words “Provided further that” shall be substituted;

(2) in clause (a), for the words “within seven years of the first publication of the work”, the words “within seven years or three years or one year, as the case may be, of the first publication of the work” shall be substituted;

(3) in clause (b), for the words "he was unable to find", the words "he was, after due diligence on his part, unable to find" shall be substituted;

(4) in clause (c),—

(A) for the words "such authorisation to the publisher whose name appears from the work", the words, brackets and figure "such authorisation by registered air mail post to the publisher whose name appears from the work, and in the case of an application for licence under sub-section (1) (not being an application under either of the provisos thereto)" shall be substituted;

(B) for the words "the application for the licence", the words "such application" shall be substituted;

(5) after clause (c), the following clauses shall be inserted, namely:—

"(cc) a period of six months in the case of an application under the first proviso to sub-section (1), or nine months in the case of an application under the second proviso to that sub-section has elapsed from the date of making the request under clause (b) of this proviso, or where a copy of the request has been sent under clause (c) of this proviso, from the date of sending of such copy, and the translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or nine months, as the case may be;

(ccc) in the case of an application made under either of the provisos to sub-section (1), if the work is composed mainly of illustrations, the provisions of section 32A are also complied with;"

(c) after sub-section (4), the following sub-sections and *Explanation* shall be inserted, namely:—

'(5) Any broadcasting authority may apply to the Copyright Board for a licence to produce and publish the translation of—

(a) a work referred to in the provisos to sub-section (1);
or

(b) Any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities for broadcasting such translation for the purposes of teaching or for the dissemination of the results of specialised, technical or scientific research to the experts in any particular field.

(6) The provisions of sub-sections (2) to (4) shall, so far as may be, apply to the grant of a licence under sub-section (5) and such licence shall not also be granted unless—

(a) the translation is made from a work lawfully acquired;

(b) the broadcast is made through the medium of sound and visual recordings;

(c) such recording has been lawfully and exclusively made for the purpose of broadcasting in India by the applicant or by any other broadcasting agency; and

(d) the translation and the broadcasting of such translation are not used for any commercial purposes.

Explanation.—For the purposes of this section,—

(a) “developed country” means a country which is not a developing country;

(b) “developing country” means a country which is for the time being regarded as such in conformity with the practice of the General Assembly of the United Nations;

(c) “purposes of research” does not include purposes of industrial research, or purposes of research by bodies corporate (not being bodies corporate owned or controlled by Government) or other associations or body of persons for commercial purposes;

(d) “purposes of teaching, research or scholarship” includes—

(i) purposes of instructional activity at all levels in educational institutions, including Schools, Colleges, Universities and tutorial institutions; and

(ii) purposes of all other types of organised educational activity.’

14. In Chapter VI of the principal Act, after section 32, the following sections shall be inserted, namely:—

Insertion of new sections 32A and 32B.

“32A. (1) Where,—

(a) after the expiration of the relevant period from the date of the first publication of an edition of a literary, scientific or artistic work, the copies of such edition are not made available in India; or

(b) such copies have not been put on sale in India for a period of six months,

Licence to reproduce and publish works for certain purposes.

to the general public, or in connection with systematic instructional activities at a price reasonably related to that normally charged in India for comparable works by the owner of the right of reproduction or by any person authorised by him in this behalf, any person may apply to the Copyright Board for a licence to reproduce and publish such work in printed or analogous forms of reproduction at the price at which such edition is sold or at a lower price for the purposes of systematic instructional activities.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the work to be reproduced.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a reproduction of the work mentioned in the application subject to the conditions that,—

(i) the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the reproduction of the work sold to the public, calculated at such rate as the Copyright Board may, in the circumstances of each case, determine in the prescribed manner;

(ii) a licence granted under this section shall not extend to the export of copies of the reproduction of the work outside India and every copy of such reproduction shall contain a notice that the copy is available for distribution only in India:

Provided that no licence shall be granted unless—

(a) the applicant has proved to the satisfaction of the Copyright Board that he had requested and had been denied, authorisation by the owner of the copyright in the work to reproduce and publish such work or that he was, after due diligence on his part, unable to find such owner;

(b) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation by registered air-mail post to the publisher whose name appears from the work not less than three months before the application for the licence;

(c) the Copyright Board is satisfied that the applicant is competent to reproduce and publish an accurate reproduction of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;

(d) the applicant undertakes to reproduce and publish the work at such price as may be fixed by the Copyright Board, being a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subjects;

(e) in the case of an application for the reproduction and publication of any work of natural science, physical science, mathematics or technology, a period of six months has elapsed from the date of making the request under clause (a), or where a copy of the request has been sent under clause (b), from the date of sending of a copy, and a reproduction of the work has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months;

(f) the name of the author and the title of the particular edition of the work proposed to be reproduced shall be printed on all the copies of the reproduction;

(g) the author has not withdrawn from circulation copies of the work; and

(h) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

(5) No licence to reproduce and publish a translation of a work in a language shall be granted under this section unless such translation in that language has been published by the owner of the right of translation or any person authorised by him and the language of the translation is a language in general use in India.

(6) The provisions of this section shall also apply to the reproduction and publication, or translation into a language in general use in India, of any text incorporated in audio-visual fixations solely for the purpose of systematic instructional activities.

Explanation.—For the purposes of this section, “relevant period”, in relation to any work, means a period of—

(a) seven years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, fiction, poetry, drama, music or art;

(b) three years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, natural science, physical science, mathematics or technology; and

(c) five years from the date of the first publication of that work, in any other case.

Termination of licences issued under this Chapter.

32B. (1) If, at any time after the granting of a licence to produce and publish the translation of a work in any language under the provisos to sub-section (1) of section 32 (hereafter in this sub-section referred to as the licensed work), the owner of the copyright in the work or any person authorised by him publishes a translation of such work in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for the translation of works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding such licence by the owner of the right of translation intimating the publication of the translation as aforesaid:

Provided further that copies of the licensed work produced and published by the person holding such licence before the termination of the licence takes effect may continue to be sold or distributed until the copies already produced and published are exhausted.

(2) If, at any time after the granting of a licence to produce and publish the reproduction or translation of any work under section 32A, the owner of the right of reproduction or any person authorised by him sells or distributes copies of such work or a translation thereof, as the case may be, in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding the licence by the owner of the right of reproduction intimating the sale or distribution of the copies of the editions of work as aforesaid:

Provided further that any copies already reproduced by the licensee before such termination takes effect may continue to be sold or distributed until the copies already produced are exhausted.

Amendment of section 37.

15. In sub-section (1) of section 37 of the principal Act, the words "by radio-diffusion" shall be omitted.

Amendment of section 45.

16. In section 45 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

"Provided that in respect of an artistic work which is used or is capable of being used in relation to any goods, the application shall include a statement to that effect and shall be accompanied by a certificate from the Registrar of Trade Marks referred to in section 4 of the Trade and Merchandise Marks Act, 1958, to the effect that no trade mark identical with or deceptively similar to such artistic work has been registered under that Act in the name of, or that no application has been made under that Act for such registration by, any person other than the applicant."

17. In Chapter X of the principal Act, after section 50, the following section shall be inserted, namely:—

Insertion
of new
section
50A.

“50A. Every entry made in the Register of Copyrights or the particulars of any work entered under section 45, the correction of every entry made in such register under section 49, and every rectification ordered under section 50, shall be published by the Registrar of Copyrights in the Official Gazette or in such other manner as he may deem fit.”.

Entries
in the
Register
of Copy-
rights,
etc., to
be publi-
shed.

18. In sub-section (1) of section 52 of the principal Act, in clause (b), the following *Explanation* shall be inserted at the end, namely:—

Amend-
ment of
section 52.

“*Explanation.*—The publication of a compilation of addresses or speeches delivered in public is not a fair dealing of such work within the meaning of this clause.”.

8 of 1878.
51 of 1962. 19. In sub-section (3) of section 53 of the principal Act, for the words and figures “under section 19 of the Sea Customs Act, 1878”, the words and figures “under section 11 of the Customs Act, 1962” shall be substituted.

Amend-
ment of
section
53.

1 of 1877.
47 of 1963. 20. In section 59 of the principal Act, in sub-section (1), for the words and figures “the Specific Relief Act, 1877”, the words and figures “the Specific Relief Act, 1963” shall be substituted.

Amend-
ment of
section
59.

1 of 1877.
47 of 1963. 21. In section 60 of the principal Act, for the words and figures “in section 42 of the Specific Relief Act, 1877”, the words and figures “in section 34 of the Specific Relief Act, 1963” shall be substituted.

Amend-
ment of
section
60.

22. In section 70 of the principal Act, for the words “a presidency magistrate or a magistrate of the first class”, the words “a Metropolitan Magistrate or a Judicial Magistrate of the first class” shall be substituted.

Amend-
ment of
section
70.

23. In section 78 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

Amend-
ment of
section
78.

“(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

STATEMENT OF OBJECTS AND REASONS

India is a member of the two International Conventions on Copyright, namely, the Berne Convention for the Protection of Literary and Artistic Works (1948 Brussels Text) and the Universal Copyright Convention (1952). The Copyright Act, 1957, conforms to the provisions of these two Conventions. Both these Conventions were revised at Paris in 1971. These revised Conventions provide for certain additional facilities to enable the developing countries to grant compulsory licences for translation and reproduction of works of foreign origin required for purposes of teaching, scholarship or research or for purposes of systematic instructional activities, if these rights could not be obtained on freely negotiated terms under conditions enabling their publication or ensuring their availability at prices reasonable in their context. As a developing country, it will be in our interest to adhere to the two revised Conventions so as to avail of the benefits of the compulsory rights. It is accordingly proposed to suitably amend the Act to conform to the provisions of the revised Conventions and thereafter accede to the revised Conventions so that India can take advantage of the revised provisions of the two Conventions.

2. The working of the Act has also revealed certain lacunae and administrative drawbacks, especially in relation to the protection of authors' rights. There is also no provision in the Act at present for the publication of unpublished works of an Indian author who is either dead or unknown or whose whereabouts are not traceable or where the owner of the copyright cannot be located. It is proposed to make certain amendments in the Act to remove these lacunae and practical difficulties and to make certain additional provisions pertaining to authors' rights.

3. The Bill provides, among other things, for the following amendments to the Act to give effect to the above proposals, namely:—

(1) To provide for compulsory licensing for the translation of a foreign work after the expiry of three years from the publication of the work and if the translation of the work is in a language not in general use in any developed country, after the expiry of a period of one year from such publication if such work is required for the purposes of teaching, scholarship or research.

(2) To provide for the compulsory licensing of the reproduction of any edition of a foreign literary, scientific or artistic work for the purposes of systematic instructional activities if, after the expiry of certain periods (which will vary depending on the subject matter of the work) from the date of the first publication of that edition, the copies are not available in India at a price reasonably related to that normally charged in India for the same or similar work.

(3) It is proposed to provide that in the case of unpublished works where the author is either dead or unknown or the owners of

the copyright cannot be traced, any person wishing to publish the material or a translation thereof may advertise his proposal and thereafter apply to the Copyright Board for permission which, while granting such permission, would fix an appropriate royalty. The royalty could be deposited in the Public Account of India or in any other suitable place for a specific period so that in the event of the owner of the copyright becoming known, he could claim it. It is also proposed that in the case of unpublished Indian works where the original author is dead and the publication of the work is desirable in the national interest, a reasonable period would be given to his legal representatives to make necessary arrangements for the publication of the unpublished material. In case they fail to do so, the Copyright Board is empowered to give permission to publish the work on payment of royalty.

(4) It is proposed to provide for the manner of assignments of copyright from authors to publishers and to empower the Copyright Board to decide disputes arising out of such assignments which may extend to permitting the author to withdraw from the assignment.

(5) It is proposed to prescribe the term of copyright in works owned by bodies corporate as fifty years from the beginning of the calendar year next following the year in which the work is first published as in the case of Government works.

(6) Broadcasting authorities are also being permitted to translate foreign works for broadcasting for the purpose of systematic instructional activities.

(7) To provide for copyright in lectures, addresses, etc., delivered in public and for the publication of the entries made in Copyright Register.

4. The Bill seeks to achieve the above objects.

NEW DELHI;

The 2nd November, 1982.

SHEILA KAUL.

FINANCIAL MEMORANDUM

Clause 10 of the Bill, which seeks to insert a new section 19A in the Copyright Act, 1957 provides for settlement of disputes with respect to the assignment of copyright by the Copyright Board after holding such inquiry as it may deem necessary. Clauses 12 and 14, which seek to introduce new sections 31A and 32A respectively in the Act, provide for applications being made to the Copyright Board for compulsory licences for publication of unpublished works and for reproduction of foreign works. Clause 13, which seeks to amend existing section 32 of the Act, provides for licences being given for translation of any foreign work for the purposes of teaching, scholarship or research. The above provisions would require the strengthening of the administrative structure of the copyright office, *inter alia*, by the setting up of a licensing wing to handle the applications for grant of licences. The provision for the issue of licences would also require the setting up of a Copyright Information Centre mainly for the purpose of disseminating information in regard to procedures for obtaining copyright and for identifying the copyright owners of foreign works with whom negotiations would have to be undertaken for obtaining copyright. The additional expenditure that is likely to be incurred on this account is expected to be of the order of Rs. 2.0 lakhs per annum. This expenditure is, however, expected to be offset to a large extent by the revenues that may be realised from fees proposed to be levied on applications for the grant of licences and from the proposed increase in the registration fee and sale of published documents.

2. Some non-recurring expenditure is also likely to be involved on providing necessary equipment, furniture and other requirements for the new staff proposed to be appointed. It is not possible to estimate the precise expenditure that is likely to be incurred on this account.

3. The Bill would not involve any other expenditure, either recurring or non-recurring.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 12 and 14 of the Bill, which propose to introduce new sections 31A and 32A in the Copyright Act, 1957 provide for application being made to the Copyright Board for licences to publish unpublished works and to publish reproduction of foreign works respectively. Clause 13 of the Bill amends section 32 of the Act to enable any person to apply to the Copyright Board for a licence to translate any foreign work for the purposes of teaching, scholarship or research. The form in which the applications for such licences may be made, the fees that shall be payable along with such applications, the manner in which an inquiry may be made by the Copyright Board before granting the licence and the determination by the Copyright Board of royalties payable for such licences shall be such as may be prescribed by rules made under the Act.

2. The above matters with respect to which rules may be made are matters of procedure or administrative detail and the Act already makes provision for such matters being prescribed by rules in respect of applications for licences which may now be made under the Act.

3. The delegation of legislative power is thus normal in character.

SUDARSHAN AGARWAL,
Secretary-General.

